

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
09725.0013USC1			Juliet Caroline Switzer	1634


CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV321729932US

Date of Deposit: January 8, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

  
Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/202634 filed on March 3, 1999.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

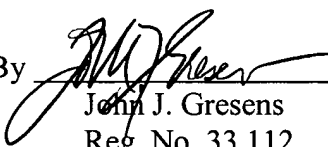
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300



Dated: January 8, 2004

By   
John J. Gresens  
Reg. No. 33,112

JJG:mmm

<b>FORM 1449*</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 09725.0013USC1	Application Number: n/a
	Applicant: SCHUBERT et al.	
	Filing Date: filed here within	Group Art Unit: n/a

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	US 5,689,045	Nov. 1997	LOGEMANN et al.				
	US 5,750,386	May 1998	CONKLING et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 99/64562	Dec. 1999	WO				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	12/94	"Optimierung der heterologen Expression von Stilbensynthasegenen für den Pflanzenschutz" Fischer, R. DOKTORARBEIT UNIVERSITÄT HOHENHEIM, STUTTGART					
	12/91	"Biochemical plant responses to ozone" Rosemann, D. Plant Physiology, Bolume 97, Number 4, pages 1280-1286.					
	1994	"Plant devence systems induced by ozone" Kangasjarvi, J. et al., Plant, Cell and Environment, Volume 17, 1994, pages 783-794.					
	06/97	"An ozone-responsive region of the grapevine resveratrol synthase promoter differs from the basal pathogen-responsive sequence" R. Schubert, Plant Molecular Biology, Volume 34, no. 3, pages 417-426.					

<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>23552</b>          PATENT TRADEMARK OFFICE       </div>	
<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	